

Commissions Differ on Need for Drug Controls

By VINCENT THOMAS
 Assemblyman, 68th District
 When experts disagree, it's time for ordinary mortals to lay law. This is especially true in legislation, where differences of opinion can build up into time-consuming controversies. A case in point concerns what further law is needed to control the traffic in dangerous drugs.

The Assembly Committee on Criminal Procedure has recently made public a report in which a considerable degree of caution was recommended in enacting legislation in the

field. The conclusions differed markedly from those reached by the Special Study Commission on Narcotics, which reported on the same subject at the end of our 1961 session.

I WANT to make clear that the dangerous drugs I am referring to here are not the narcotics, morphine and heroin. Instead, they include the

hypnotics (such as seconal and amytal) and the stimulants (such as benzedrine and dexedrine). The laws relating to narcotic drugs were greatly strengthened, and the penalties for violation increased at our 1961 session, but no action was taken with respect to the others.

The dangerous drugs are subject to the general laws re-

lating to the dispensing of drugs only by prescription, but the Study Commission found existing controls to be insufficient. The group reported statistics submitted to it by the Los Angeles and San Diego police departments which show the sharp increase in arrests of juveniles during the past few years for use of dangerous drugs. It was stated that evi-

dence is increasing that these drugs are replacing marijuana as the first step toward the use of heroin.

THE COMMISSION was told that many practicing physicians are unaware of the dangerous results which can occur from use of these drugs over a period of time. The group also noted that all state laws

related to the dispensing of dangerous drugs on prescription fix violations only as misdemeanors, except that furnishing such a drug to a minor is a felony.

The Study Commission recommended new state laws to provide for the same tight record-keeping for dangerous drugs that is now required for narcotics, to make illegal sale of such drugs to an adult a felony, and to make illegal possession of them for resale also a penalty. Federal law to control intrastate traffic, as well as interstate, was also advised.

THE ASSEMBLY Committee held hearings some time after the Commission report was released. Medical witnesses and spokesmen from medical schools and research agencies strongly refuted information given the Commission that many physicians are unaware of the dangers of hypnotic and stimulant drugs. Also attacked as suspect were figures cited by the Commission on the deaths related to use of such drugs.

The Assembly group was warned that it is comparatively easy to manufacture the dan-

gerous drugs from readily available materials. Too much control over the sale of such drugs could lead to their supply by the underworld, and too severe penalties could lead to a "prohibition-type situation." As a result, the Assembly Committee did not recommend changes in present controls over dangerous drugs, but it did suggest setting up an advisory committee to the Legislature on drug addiction, and the creation of a system of voluntary treatment for drug addicts, separate from the program operated by the department of corrections.

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Law in Action

Under our dual system of government, two sets of law—state and federal—may govern what we do.

State laws have traditionally governed certain fields: for example the law of wills, estates, and transfers of property upon death. Each state has its own rules on death transfers, how to make wills, and what happens when a person dies without a will.

But the federal government has some power in this field, especially when federal money went to the decedent or when it involved a national policy.

IN A DISPUTE between the United States and a state over a decedent's estate, the U. S. Supreme Court set forth some of the federal powers: A war veteran died in a veterans hospital without a will or heirs. He had some personal property escheated to the state. Under federal law his property goes to the U. S.

The U. S. Supreme Court handed the estate to the U. S. under its war powers. When patients die without wills all their property goes to keep up veterans' hospitals and recreation programs.

OTHER VETERANS' laws have cut into the state's property laws. Federal laws govern G.I. insurance. They cut off community property rights, even though premiums came from community funds.

As a rule people who live in federal enclaves within a state must obey state laws. Thus, California law governs rangers, civilians on military and scientific areas, or workers on a federal reservation as to wills, property, marriage, divorce, and crime.

But the federal government may pass laws to avoid conflict between state laws and a national policy.

Note: California lawyers offer this column so you may know about our laws.

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by gumparty

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